

1 **HONE LAW**
2 Jill Garcia, NV Bar No. 7805
3 jgarcia@hone.law
4 Kathryn C. Newman, NV Bar No. 13733
5 knewman@hone.law
6 701 N. Green Valley Parkway, Suite 200
7 Henderson, NV 89074
8 Phone 702-608-3720
9 Fax 702-608-7814

10 *Attorneys for Plaintiff*
11 *Liliane Kelaa*

12 IN THE UNITED STATES DISTRICT COURT

13 DISTRICT OF NEVADA

14 LILIANE KELAA, an individual,

15 Case No. 2:22-cv-00554-JAD- BNW

16 Plaintiff,

17 vs.

18 DIAMOND RESORTS INTERNATIONAL,
19 INC., a Delaware corporation; HILTON
20 GRAND VACATIONS INC., a Delaware
21 corporation as successor-in-interest; NOAH
22 BLOOM, an individual; DOES I through X,
23 inclusive; and ROE BUSINESS ENTITIES, I
24 through X, inclusive,

25 Defendants.

26 **DISCOVERY PLAN AND SCHEDULING
27 ORDER**

28 **SUBMITTED IN COMPLIANCE WITH
LR 26-1(b)**

29 Pursuant to Federal Rule of Civil Procedure 26(f) and Local Rule 26-1, Plaintiff Liliane
30 Kelaa (“Ms. Kelaa” or “Plaintiff”), and Defendants Diamond Resorts International Marketing,
31 Inc. (incorrectly identified as Diamond Resorts International, Inc.), Hilton Grand Vacations Inc.,
32 and Noah Bloom (“Defendants” and collectively with Ms. Kelaa, Diamond Resorts International
33 Marketing, Inc., Hilton Grand Vacations Inc., and Noah Bloom, the “Parties”), by and through
34 undersigned counsel, hereby respectfully submit their proposed discovery plan and scheduling
35 order as follows:

36 ///

37 ///

1 **1. Date of Conference and Appearances of Counsel:** The Parties held the Fed. R.
2 Civ. P. 26(f) conference on July 28, 2022, with Kathryn Newman appearing for Plaintiff and
3 Diana Dickinson appearing for Defendants.

4 **2. Subject of Discovery:** All matters within the scope of Rule 26.

5 **3. Discovery Plan:** The Parties submit that discovery may be conducted on all
6 matters relevant to the issues raised by the pleadings and all matters otherwise within the scope
7 of Rule 26(b)(1) and not protected from disclosure.

8 The proposed discovery plan is as follows:

9 **a. Discovery Cutoff Date:** The proposed cutoff date for discovery shall be
10 **Tuesday, December 27, 2022**, the first court-day 180 calendar days from the date of
11 Defendants' first appearance in this matter.

12 **b. Last Date to Amend Pleadings:** All motions to amend the pleadings or
13 to add parties shall be filed no later than **Wednesday, September 28, 2022**, 90 days prior to
14 the proposed close of discovery.

15 **c. Fed. R. Civ. P. 26(a)(2) Disclosures (Experts):** Disclosures concerning
16 experts shall be made by **Friday, October 28, 2022**, 60 days before the proposed discovery
17 cutoff date. Disclosures concerning rebuttal experts shall be made by **Monday, November 28,**
18 **2022**, 30 days after the initial disclosure of experts.

19 **d. Dispositive Motions:** The date for filing dispositive motions shall not be
20 later than **Thursday, January 26, 2023**, 30 days after the proposed discovery cutoff date. In the
21 event that the discovery period is extended from the discovery cutoff date set forth in this
22 proposed discovery plan and scheduling order, the date for filing dispositive motions shall be
23 extended to be not later than thirty (30) days from the subsequent discovery cutoff date.

24 **e. Pretrial Order:** The date for filing the joint pretrial order shall not be
25 later than **Friday, February 25, 2023**, 30 days after the cutoff for filing dispositive motions. If
26 dispositive motions are filed, the date for filing the joint pretrial order shall be suspended until
27 thirty (30) days after the decision on the dispositive motions or until further order of the Court.
28 In the further event that the discovery period is extended from the discovery cutoff date set forth



1 in this proposed discovery plan and scheduling order, the date for filing the joint pretrial order
 2 shall be extended in accordance with the time periods set forth in this paragraph.

3 **4. Discovery Limitations:** The Parties submit that no modifications or limitations
 4 should be necessary and that the parties should follow the procedures set forth in the Federal
 5 Rules of Civil Procedure.

6 **5. Possibilities for Settling or Resolving the Disputes Between the Parties:** This
 7 case has been assigned to the Court's Early Neutral Evaluation Program. *See* ECF No. 3
 8 (assigning Magistrate Judge Elayna Youshah as the evaluating judge). As of this filing, an Early
 9 Neutral Evaluation before Magistrate Judge Elayna J. Youshah has not been set and the Parties
 10 respectfully request that one be scheduled in accordance with Local Rule 16-6. The Parties
 11 certify that they conferred about the possibility of using alternative dispute-resolution processes
 12 including mediation and arbitration.

13 **6. Alternative Forms of Case Disposition:** The Parties certify that they
 14 considered consent to trial under 28 U.S.C. § 636(c) and Fed. R. Civ. P. 73 and the use of the
 15 Short Trial Program (General Order 2013-01), and have declined to pursue these options at this
 16 time.

17 **7. Discovery Phases:** The Parties respectfully submit that it is not necessary to
 18 conduct discovery in phases.

19 **8. Electronic Service:** The parties agree that pursuant to Rule 5(b)(2)(E) of the
 20 Federal Rules of Civil Procedure any discovery or other papers may be served by sending such
 21 documents by email to the primary email addresses for all counsel of record. To the extent
 22 discovery requests are served on a Saturday, Sunday, or legal holiday, service will be deemed
 23 effective on the next day that is not a Saturday, Sunday, or legal holiday. For electronic service
 24 to be effective as to Plaintiff, electronic service shall be sent to Plaintiff at jgarcia@hone.law
 25 and knewman@hone.law unless otherwise amended in writing by Plaintiff. For electronic
 26 service to be effective as to Defendants, in addition to electronic service to all counsel of record
 27 (mpaek@littler.com, athompson@littler.com and ddickinson@littler.com), electronic service

28 ///



1 shall also be sent to Erin Melwak emelwak@littler.com unless otherwise amended in writing by
2 Defendants.

3 **9. Extensions:** Should an extension of any of the above-listed deadlines become
4 necessary, absent extenuating circumstances constituting good cause and/or excusable neglect,
5 the Parties will request such at least twenty-one (21) days in advance of the subject deadline
6 pursuant to LR 26-3.

7 Dated this 19th day of August 2022.

8 HONE LAW

9 */s/Jill Garcia* _____
10 Jill Garcia, NV Bar No. 7805
jgarcia@hone.law
11 Kathryn C. Newman, NV Bar No. 13733
knewman@hone.law
12 701 N. Green Valley Parkway, Suite 200
Henderson, NV 89074

13
14 *Attorneys for Plaintiff*
Liliane Kelaa

Dated this 19th day of August 2022.

LITTLER MENDELSON, P.C.

9 */s/Diana G. Dickinson* _____
10 Montgomery Y. Paek, NV Bar No. 10176
mpaek@littler.com
11 Amy L. Thompson, NV Bar No. 11907
athompson@littler.com
12 Diana G. Dickinson, NV Bar No. 13477
ddickinson@littler.com
13 3960 Howard Hughes Parkway, Suite 300
14 Las Vegas, NV 89169

15 *Attorneys for Defendants*
16 *Diamond Resorts International Marketing,*
17 *Inc., Hilton Grand Vacations Inc., and Noah*
18 *Bloom*

19
20 **IT IS SO ORDERED.**

21 Dated: August 22, 2022

22 
23 _____
24 UNITED STATES MAGISTRATE JUDGE

